

**** NOTICE:** This is only a preliminary draft of the City-County Council agenda prepared by the Council staff pursuant to Sec. 161-5(b) and may not be complete. The President of the Council has not determined the order of business for this meeting pursuant to Sec. 151-71. The agenda will be final only when approved by the Council at the meeting.

AGENDA
CITY COUNTY COUNCIL
AND THE
INDIANAPOLIS POLICE, FIRE, AND SOLID WASTE COLLECTION
SPECIAL SERVICE DISTRICT COUNCILS

April 26, 2010

7:00 P.M.

- I. PRAYER AND PLEDGE OF ALLEGIANCE - Councillor Brown**
- II. ROLL CALL**
- III. INTRODUCTION OF GUESTS AND VISITORS**
- IV. OFFICIAL COMMUNICATIONS**
- V. ADOPTION OF AGENDA**
- VI. APPROVAL OF JOURNALS – April 5, 2010**
- VII. PRESENTATION OF PETITIONS, MEMORIALS, SPECIAL RESOLUTIONS, AND COUNCIL RESOLUTIONS**

PROPOSAL NO. 133, 2010 (Special Resolution)

INTRODUCED: 04/26/2010 BY: Councillors Minton-McNeill, Lewis, Brown, Gray, Bateman, Evans, Moriarty Adams and Nytes

REFERRED TO: Committee of the Whole

DIGEST: recognizes the Hospitality Certification Program

PROPOSAL NO. 134, 2010 (Special Resolution)

INTRODUCED: 04/26/2010 BY: Councillor Pfisterer

REFERRED TO: Committee of the Whole

DIGEST: recognizes the Saints Constantine and Elena Romanian Orthodox Church on its 100th year anniversary

PROPOSAL NO. 135, 2010 (Special Resolution)

INTRODUCED: 04/26/2010 BY: Councillor Vaughn

REFERRED TO: Committee of the Whole

DIGEST: recognizes U.S. Army Captain Andrew D. Fisher

VII. PRESENTATION OF PETITIONS, MEMORIALS, SPECIAL RESOLUTIONS, AND COUNCIL RESOLUTIONS

PROPOSAL NO. 136, 2010 (Council Resolution)

INTRODUCED: 04/26/2010 BY: Councillors Hunter, B. Mahern and Nytes

REFERRED TO: Committee of the Whole

DIGEST: establishes the creation of a Task Force to investigate concerns and ensure public education of the process as it relates to the issuance of Certificate of Appropriateness (COA) from the Indianapolis Historic Preservation Commission

PROPOSAL NO. 3, 2010 (Council Resolution)

INTRODUCED: 01/11/2010 BY: Councillor Cardwell

REFERRED TO: Economic Development Committee

DIGEST: re-nominates David Oeth to the Speedway Economic Development Commission

COMMITTEE ACTION:

04/21/2010 Do Pass 6-0

PROPOSAL NO. 33, 2010 (Council Resolution)

INTRODUCED: 02/01/2010 BY: Councillor Cardwell

REFERRED TO: Economic Development Committee

DIGEST: appoints Michael Halstead to the Indianapolis City Market Corporation Board of Directors

COMMITTEE ACTION:

04/21/2010 Do Pass 6-0

PROPOSAL NO. 116, 2010 (Council Resolution)

INTRODUCED: 04/05/2010 BY: Councillor Cardwell

REFERRED TO: Economic Development Committee

DIGEST: approves the Mayor's appointment of Michael Huber as Deputy Mayor for Economic Development

COMMITTEE ACTION:

04/21/2010 Do Pass 5-1

VIII. INTRODUCTION OF PROPOSALS

PROPOSAL NO. 119, 2010 (Special Resolution)

INTRODUCED: 04/26/2010 BY: Councillors Pfisterer and D. Mahern

REFERRED TO: Administration and Finance Committee

DIGEST: determines the need to lease approximately 7,056 square feet of space at 1349 South Tibbs Avenue for use by the Warrant Section of the Law Enforcement Division of the County Sheriff

PROPOSAL NO. 120, 2010 (General Resolution)

INTRODUCED: 04/26/2010 BY: Councillor Cardwell

REFERRED TO: Economic Development Committee

DIGEST: designates all of the City of Indianapolis and Marion County as a recovery zone for purposes of the 2009 Federal Stimulus Act

PROPOSAL NO. 121, 2010 (General Ordinance)

INTRODUCED: 04/26/2010 BY: Councillor Cardwell

REFERRED TO: Economic Development Committee

DIGEST: establishes procedures for the City of Indianapolis and Marion County to issue Recovery Zone Bonds under the 2009 Federal Stimulus Act

VIII. INTRODUCTION OF PROPOSALS

PROPOSAL NO. 122, 2010 (Fiscal Ordinance)

INTRODUCED: 04/26/2010 BY: Councillor Vaughn

REFERRED TO: Metropolitan Development Committee

DIGEST: appropriates \$4,989,922 in the 2010 Budget of the Department of Metropolitan Development (Federal Grants and Consolidated County Funds) to fund various contracts pertaining to long-term transportation planning within Central Indiana

PROPOSAL NO. 123, 2010 (General Ordinance)

INTRODUCED: 04/26/2010 BY: Councillor Vaughn

REFERRED TO: Metropolitan Development Committee

DIGEST: amends portions of the Code regarding the Dwelling Districts Zoning Ordinance amending the setbacks pertaining to land within the Town of Meridian Hills

PROPOSAL NO. 124, 2010 (General Ordinance)

INTRODUCED: 04/26/2010 BY: Councillor Vaughn

REFERRED TO: Metropolitan Development Committee

DIGEST: amends portions of the Code regarding the Dwelling Districts Zoning Ordinance amending the setback requirements and maximum building heights in the D-S and D-1 dwelling districts

PROPOSAL NO. 125, 2010 (General Resolution)

INTRODUCED: 04/26/2010 BY: Councillor Malone

REFERRED TO: Municipal Corporations Committee

DIGEST: approves the Library Capital Project Fund Plan of the Indianapolis-Marion County Public Library for 2011-2013

PROPOSAL NO. 126, 2010 (Fiscal Ordinance)

INTRODUCED: 04/26/2010 BY: Councillors Scales and Oliver

REFERRED TO: Public Safety and Criminal Justice Committee

DIGEST: approves a transfer of \$29,500 in the 2010 Budget of the Marion County Coroner (County General and Federal Grants Funds) to purchase investigation radios and a body rack for storage

PROPOSAL NO. 127, 2010 (General Ordinance)

INTRODUCED: 04/26/2010 BY: Councillor Hunter

REFERRED TO: Public Safety and Criminal Justice Committee

DIGEST: amends the Code to rename, as the division of homeland security, the emergency management planning division of the department of public safety, and to make other technical corrections

PROPOSAL NO. 128, 2010 (Fiscal Ordinance)

INTRODUCED: 04/26/2010 BY: Councillor Hunter

REFERRED TO: Public Works Committee

DIGEST: appropriates \$90,000 in the 2010 Budget of the Department of Public Works (Federal Grants Fund) to fund activities related to the development of rain gardens in the city, a tree planting and maintenance program at the IREF, and an energy-efficiency retrofit program

PROPOSAL NO. 129, 2010 (General Ordinance)

INTRODUCED: 04/26/2010 BY: Councillor Nytes

REFERRED TO: Public Works Committee

DIGEST: authorizes parking restrictions on the north side of Brookside Avenue at Newman Street (District 9)

VIII. INTRODUCTION OF PROPOSALS

PROPOSAL NO. 130, 2010 (Council Resolution)

INTRODUCED: 04/26/2010 BY: Councillors Lutz, Rivera, Pfisterer and Moriarty Adams

REFERRED TO: Rules and Public Policy Committee

DIGEST: approves the Mayor's establishment of a charter school, "The Excel Center," by issuing a charter to Goodwill Education Initiatives, Inc.

PROPOSAL NO. 131, 2010 (Special Ordinance)

INTRODUCED: 04/26/2010 BY: Councillor Speedy

REFERRED TO: Rules and Public Policy Committee

DIGEST: authorizes the transfer of the waterworks and the sewage works of the City of Indianapolis to Citizens Energy Group

PROPOSAL NO. 132, 2010 (Special Ordinance)

INTRODUCED: 04/26/2010 BY: Councillor Speedy

REFERRED TO: Rules and Public Policy Committee

DIGEST: authorizes the issuance and sale of revenue bonds to procure funds to be applied to the costs of the construction, renovation, rehabilitation and installation of improvements to the public ways, including roads, streets, alleys, trails, sidewalks and other public facilities, appropriating the proceeds derived from the sale of such bonds, modifying the amount of payments in lieu of taxes payable by the sanitary district

PROPOSAL NO. 145, 2010 (Fiscal Ordinance)

INTRODUCED: 04/26/2010 BY: Councillor Sanders

REFERRED TO: Parks and Recreation Committee

DIGEST: reduces the \$27,562,000 appropriation to the Capital Asset Development Capital Project Fund by \$3,500,000 and approves an additional appropriation of \$3,500,000 in the 2010 Budget of the Department of Parks and Recreation (Parks General Fund) to fund pool improvements and pool related operating costs at Wes Montgomery Park

IX. SPECIAL ORDERS - PRIORITY BUSINESS

PROPOSAL NO. 137, 2010 (Rezoning Ordinance)

INTRODUCED: 04/26/2010 BY: Councillor McHenry

REFERRED TO: Committee of the Whole

DIGEST: rezoning ordinance certified by the Metropolitan Development Commission on April 14, 2010

PROPOSAL NOS. 138-144, 2010 (Rezoning Ordinances)

INTRODUCED: 04/26/2010 BY: Councillor McHenry

REFERRED TO: Committee of the Whole

DIGEST: rezoning ordinances certified by the Metropolitan Development Commission on April 14, 2010

X. SPECIAL ORDERS - PUBLIC HEARING

PROPOSAL NO. 117, 2010 (Fiscal Ordinance)

INTRODUCED: 04/05/2010 BY: Councillors Malone and McHenry

REFERRED TO: Metropolitan Development Committee

DIGEST: appropriates \$11,036,100 in the 2010 Budget of the Department of Metropolitan Development (Federal Grants Fund) to fund costs related to the development of affordable rental housing and the rehabilitation of foreclosed or abandoned homes

COMMITTEE ACTION:

04/12/2010 Do Pass 8-0

X. SPECIAL ORDERS - PUBLIC HEARING

PROPOSAL NO. 118, 2010 (Fiscal Ordinance)

INTRODUCED: 04/05/2010 BY: Councillors Malone and Rivera

REFERRED TO: Public Works Committee

DIGEST: appropriates \$37,500 in the 2010 Budget of the Department of Public Works (State Grants Fund) to fund educational outreach and increased awareness regarding the proper disposal of compact fluorescent light bulbs

COMMITTEE ACTION:

04/22/2010 Do Pass 9-0

XI. SPECIAL ORDERS - UNFINISHED BUSINESS

XII. SPECIAL ORDERS - FINAL ADOPTION

PROPOSAL NO. 84, 2010 (Special Resolution)

INTRODUCED: 03/22/2010 BY: Councillors Coleman and Hunter

REFERRED TO: Administration and Finance Committee

DIGEST: determines the need to lease approximately 15,000 square feet of office space at 8115 E. Washington Street for use as a Marion Superior traffic court and Clerk's office

COMMITTEE ACTION:

03/23/2010 Postpone until 4/6/2010 4-0

04/06/2010 Do Pass 4-3

PROPOSAL NO. 89, 2010 (General Ordinance)

INTRODUCED: 03/22/2010 BY: Councillors Cain and Nytes

REFERRED TO: Metropolitan Development Committee

DIGEST: amends the Wellfield Protection Zoning Ordinance to revise the definition of "technically qualified person," to re-assign agency responsibilities for re-evaluation of wellfield delineation boundaries, and for administration of the groundwater protection fee (2009-AO-05)

COMMITTEE ACTION:

03/29/2010 Tabled 9-0

04/12/2010 Do Pass As Amended 5-3

PROPOSAL NO. 115, 2010 (General Ordinance)

INTRODUCED: 04/05/2010 BY: Councillors Malone, Scales and Nytes

REFERRED TO: Administration and Finance Committee

DIGEST: amends the Code to reorganize the city-county internal audit agency as an executive office with expanded powers and duties, and to make corresponding technical changes

COMMITTEE ACTION:

04/06/2010 Do Pass 7-0

XIII. SPECIAL SERVICE DISTRICT COUNCILS

XIV. NEW BUSINESS

XV. ANNOUNCEMENTS AND ADJOURNMENT

The President The docketed agenda for this meeting of Council having been completed, the Chair will now entertain motions for adjournment.

President's Designee Mr. President.

The President The Chair recognizes Councillor Pfisterer.

The Councillor Mr. President, I have been asked to offer the following motion for adjournment:

by All Councillors in memory of Raymond "Ray" Oliver.

by All Councillors in memory of Dorothy Quarles.

by Councillor Cain in memory of Rita Ann Reynolds West and Patrick A. Trainor.

by Councillor Pfisterer in memory of James E. Eichen.

by Councillors Pfisterer, Gray and Brown in memory of Michael C. Schenk and David L. Winters.

Mr. President, I would like to move the adjournment of this meeting of the Indianapolis City-County Council in recognition of and respect for the life and contributions of those persons I have here specifically named. I respectfully ask the support of fellow Councillors. I further request that the motion be made a part of the permanent records of this body and that a letter bearing the Council seal and the signature of the President be sent to the family of each person advising of this action.

The President Thank you, Councillor Pfisterer. Hearing no objections, the motion is received and the requests are so ordered.

Hearing no further motions, we are adjourned.

XVI. PENDING PROPOSALS

PROPOSAL NO. 243, 2009 (Special Ordinance)

INTRODUCED: 06/29/2009 BY: Councillors Hunter and Evans

REFERRED TO: Public Works Committee

DIGEST: approves and authorizes execution of an agreement between the City of Indianapolis and Hamilton County, Indiana, for the exercise of eminent domain authority and the construction of highway and drainage improvements in Marion and Hamilton Counties

COMMITTEE ACTION:

07/09/2009 Postpone until 7/30/2009 7-0

07/30/2009 Tabled 8-0

12/10/2009 Postpone until 1/21/2010 9-0

02/11/2010 Postpone until 4/1/2010 9-0

04/01/2010 Postpone until 5/6/2010 8-0

XVI. PENDING PROPOSALS

PROPOSAL NO. 371, 2009 (General Ordinance)

INTRODUCED: 10/05/2009 BY: Councillors Hunter and Mansfield

REFERRED TO: Community Affairs Committee

DIGEST: amends the Code with respect to nonsmoking areas

COMMITTEE ACTION:

10/14/2009 Do Pass As Amended 4-2

COUNCIL ACTION:

10/26/2009 Indecisive Vote 12-13

10/26/2009 Tabled 14-13

11/09/2009 Overruled Chair's Decision on Tabling 12-16

11/09/2009 Postpone until 11/30/2009 28-0

11/30/2009 Returned to Committee 20-7

COMMITTEE ACTION:

12/30/2009 Postpone until 4/14/2010 4-0

04/14/2010 Tabled 6-0

PROPOSAL NO. 378, 2009 (Special Resolution)

INTRODUCED: 10/05/2009 BY: Councillor Cockrum

REFERRED TO: Rules and Public Policy Committee

DIGEST: supports FedEx Express operations and the City of Indianapolis

COMMITTEE ACTION:

10/13/2009 Do Pass As Amended 5-1

COUNCIL ACTION:

10/26/2009 Returned to Committee

COMMITTEE ACTION:

11/04/2009 Tabled 7-0

PROPOSAL NO. 408, 2009 (General Resolution)

INTRODUCED: 11/09/2009 BY: Councillor Smith

REFERRED TO: Economic Development Committee

DIGEST: approves the guaranty of the yield on low income tax credits in order to enable the sale of such low income tax credits by the Indianapolis Housing Agency for rehabilitation projects in the City to be developed by its non-profit arm Partners for Affordable Housing, Inc.

COMMITTEE ACTION:

11/23/2009 Postponed 7-0

12/08/2009 Tabled 5-0

PROPOSAL NO. 418, 2009 (Special Resolution)

INTRODUCED: 11/09/2009 BY: Councillors B. Mahern, Lewis, Sanders, D. Mahern, Hunter, Smith, Mansfield and Malone

REFERRED TO: Metropolitan Development Committee

DIGEST: urges the General Assembly and Governor to grant additional authority to the Council to review and approve all tax abatements, postpone consideration of tax abatements and zoning changes, and review and approve any real estate acquisition by the Metropolitan Development Commission in excess of \$25,000

COMMITTEE ACTION:

12/07/2009 Do Pass 2-5

XVI. PENDING PROPOSALS

PROPOSAL NO. 10, 2010 (Council Resolution)

INTRODUCED: 01/11/2010 BY: Councillor Freeman

REFERRED TO: Metropolitan Development Committee

DIGEST: reappoints Alan E. Retherford to the Metropolitan Board of Zoning Appeals, Division III

COMMITTEE ACTION:

01/25/2010 Do Pass 1-4

PROPOSAL NO. 39, 2010 (General Ordinance)

INTRODUCED: 02/01/2010 BY: Councillor Coleman

REFERRED TO: Parks and Recreation Committee

DIGEST: amends the Code to clarify provisions with respect to possession of firearms on park property

COMMITTEE ACTION:

02/25/2010 Tabled 4-3

PROPOSAL NO. 71, 2010 (General Resolution)

INTRODUCED: 02/22/2010 BY: Councillor Speedy

REFERRED TO: Public Works Committee

DIGEST: approves the issuance of one or more series of Indiana Waterworks District Net Revenue Bonds or notes in an aggregate principal amount not to exceed \$1.2 million to fund special main extension projects to serve unserved areas by funding through the State Revolving Loan Fund

COMMITTEE ACTION:

03/04/2010 Tabled 8-0

PROPOSAL NO. 79, 2010 (Council Resolution)

INTRODUCED: 02/22/2010 BY: Councillors Sanders, Mansfield, Minton-McNeill, Lewis,

Moriarty Adams, B. Mahern, Bateman, Nytes, Oliver and Evans

REFERRED TO: Rules and Public Policy Committee

DIGEST: supports an open and transparent discussion concerning the proposal to sell or to otherwise dispose of water-related resources, water facilities, assets and properties of Indianapolis Water, and that any such disposition or decision to retain such assets be a matter reserved to the City-County Council

COUNCIL ACTION:

02/22/2010 Referred to Committee

COMMITTEE ACTION:

03/31/2010 Postpone until 04/13/2010

04/13/2010 Tabled 4-3